

Both products were alleged to be adulterated in that they consisted in whole or in part of filthy substances.

On March 30, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$250.

2742. Adulteration of tomato catsup, tomato sauce, hot sauce, and canned tomatoes. U. S. v. Stockton Food Products, Inc. Plea of guilty. Fine, \$1,300. (F. D. C. No. 2897. Sample Nos. 56459-D, 56484-D, 56486-D, 56194-D, 56495-D, 72963-D, 92328-D, 92329-D, 92331-D, 92345-D, 92355-D, 92378-D, 92505-D, 92508-D, 9184-E, 9185-E, 9287-E, 12403-E, 12404-E, 12409-E, 12708-E, 13110-E, 13339-E, 13586-E to 13588-E, incl.)

Portions of these products contained excessive mold, other portions contained worm and insect fragments, and in the remainder both conditions were found.

On May 14, 1941, the United States attorney for the Northern District of California filed an information against Stockton Food Products, Inc., a corporation at Stockton, Calif., alleging shipment and delivery for introduction in interstate commerce within the period from on or about October 25, 1939, to on or about March 12, 1940, from the State of California into the States of Alabama, Florida, Georgia, Louisiana, Maryland, New York, Oregon, Pennsylvania, Texas, Virginia, Washington, and the Territory of Hawaii, of quantities of tomato catsup, tomato sauce, hot sauce, and canned tomatoes that were adulterated.

The articles were labeled in part: (Catsup, cans) "Much More Brand * * * Tomato Catsup * * * 6 Lbs. 10 Ozs. Packed for Food Products Co. of America * * * Chicago, Ill.," "Real Red Brand Tomato Catsup * * * 6 Lb. 12 Oz.," "M S C Makes Satisfied Customers Tomato Catsup * * * 6 Lbs. 12 Oz. Packed for Recorg Supply Corporation Chicago," or "Racquet Brand Tomato Catsup * * * 6 Lbs. 12 Ozs. * * * Harcourt Greene Co. Distributors San Francisco"; (tomato sauce, cans) "Dellford Brand Tomato Sauce * * * 8 Oz. Avd. * * * Middendorf & Rohrs Distributors New York," "8 Oz. U/L Tom. Sauce," "Fargo Brand Spanish Style Tomato Sauce * * * 8 Oz. Packed for Food Products Co. of America * * * Chicago, Ill.," "Happy Home * * * 7¾ Oz. Avoir. Spanish Style Tomato Sauce * * * Schwabacher Bros. & Co., Inc. Seattle, Wash. Distributors," "Standby Fancy Tomato Sauce * * * 7¾ Oz. Avd. Packed for Fine Foods, Inc. Seattle Minneapolis," "Royal Clover Brand Spanish Style Tomato Sauce * * * 7¾ [or "8"] Oz. Avoir. * * * Distributed by B. H. Rudo & Brother [or "Royal Clover Distributing Co."] Baltimore, Md.," "Red & White Brand * * * Tomato Sauce * * * 7¾ Oz. * * * Red & White Corp'n Distributor Chicago," or "Shurfine Fancy Tomato Sauce Spanish Style * * * 7¾ Ozs. * * * National Retailer-Owned Grocers, Inc. Distributors * * * Chicago"; (hot sauce, cans) "Nation's Garden Brand Spanish Style Hot Sauce * * * 7½ Oz. Avd. * * * Packed for Fine Foods, Inc. Seattle-Minneapolis," "For All' Brand Hot Sauce * * * 7½ Oz. * * * Harcourt Greene Co. Distributors San Francisco, Calif.," or "Brimfull Brand Hot Sauce * * * 7¾ Oz. Distributed by Kitchen Products, Inc., Chicago"; and (tomatoes, cans) "Tastewell * * * Tomatoes * * * National Retailer-Owned Grocers, Inc. Distributors * * * Chicago."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy and/or decomposed substances.

On September 8, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50 on each count, totaling \$1,300.

2743. Adulteration and misbranding of tomato catsup. U. S. v. 350 Cases, 249 Cases, and 231 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. D. C. Nos. 5308, 6358. Sample Nos. 62416-E, 73464-E, 73465-E.)

Examination showed that this product contained decomposed material as evidenced by the presence of excessive mold. The bottles in one lot failed to bear a label containing the name of the product, the name and address of the manufacturer, packer, or distributor, and a statement of the quantity of the contents.

On August 8 and December 4, 1941, the United States attorneys for the Northern District of Illinois and the Western District of Oklahoma filed libels (the former was amended on October 14, 1941) against 350 cases each containing 12 bottles of tomato catsup at Chicago, Ill., and 480 cases each containing 24 bottles of tomato catsup at Oklahoma City, Okla., alleging that the article had been shipped on or about May 19 and October 15, 1941, by Fettig Canning Corporation from Elwood, Ind.; and charging that it was adulterated and that a portion was also misbranded. It was labeled in part: (350 cases) "All products bearing this label

are guaranteed to comply with the pure food laws"; (249 cases) "Vine-Ripe Tomato Catsup * * * 14 Oz."; or (231 cases) "14 Oz. Catsup White Pony."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

The portion of the product seized at Chicago was alleged to be misbranded (1) in that the statement, "All products bearing this label are guaranteed to comply with the pure food laws," was false and misleading; (2) in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; (3) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of contents; and (4) in that its label failed to bear the common or usual name of the food.

On October 16, 1941, and January 6, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

2744. Adulteration and misbranding of tomato catsup. U. S. v. 599 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 3792. Sample No. 31550-E.)

On February 7, 1941, the United States attorney for the Eastern District of Michigan filed a libel against 599 cases, each containing 24 bottles, of tomato catsup at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about October 12, 1940, by Reid, Murdoch & Co. from Piercetown, Ind.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "Monarch Tomato Catsup Guaranteed By Reid, Murdoch & Co., To Comply With All Food Laws."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed substance. It was alleged to be misbranded in that the statement "Guaranteed * * * To Comply With All Food Laws" was false and misleading since it was incorrect.

On February 24, 1941, Reid, Murdoch & Co. having petitioned that it be furnished samples and certain information, the court ordered the Government to furnish the petitioner with a true copy of the analysis together with identification marks or numbers, if any, of the cases or packages from which any samples analyzed by the Government had been obtained and also ordered that representative samples be delivered to the petitioner and the Government.

On July 17, 1941, no claim or answer having been filed and the court having found that the allegations of the libel were true, judgment of condemnation was entered and it was ordered that the product be destroyed.

2745. Adulteration of tomato puree. U. S. v. Butterfield Canning Co. Plea of guilty. Fine, \$75. (F. D. C. No. 5552. Sample Nos. 29175-E, 38950-E.)

On February 11, 1942, the United States attorney for the Southern District of Indiana filed an information against the Butterfield Canning Co., a corporation, Muncie, Ind., alleging shipment on or about September 7, 1940, and May 2, 1941, from the State of Indiana into the States of Ohio and Minnesota of quantities of tomato puree which was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Indiana Brand Tomato Puree."

On April 17, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$75.

2746. Receipt in interstate commerce and delivery of adulterated tomato puree. U. S. v. Ferdinand C. Knoebel (Knoebel Mercantile Co.) and Karl A. Seastone. Pleas of nolo contendere. Each defendant fined \$300. (F. D. C. No. 4187. Sample Nos. 44636-E, 44649-E.)

On October 31, 1941, the United States attorney for the District of Colorado filed an information against Ferdinand C. Knoebel, trading as Knoebel Mercantile Co., Denver, Colo., and Karl A. Seastone, alleging that on or about October 15, 1940, the defendants received in interstate commerce a quantity of canned tomato puree that was adulterated in that it consisted in whole or in part of a decomposed substance; and that on or about January 31, 1941, the defendants proffered for delivery and delivered to a firm in Denver, Colo., 25 cases of the same adulterated canned tomato puree. The information further alleged that the said adulterated canned tomato puree had been shipped in interstate commerce by the Perry Canning Co. from Perry, Utah, on or about October 9, 1940. It was labeled in part: "Gateway Brand Tomato Puree * * * Perry Canning Co., Packers and Distributors, Perry, Utah."

On November 22, 1941, pleas of nolo contendere having been entered by the defendants, the court sentenced them each to pay a fine of \$300.